REMARKS

Entry of this Amendment, reconsideration and withdrawal of all grounds of rejection, and allowance of the pending claims are respectfully requested in light of the amendments made to the claims and the remarks made herein.

Claims 1-9 are pending and stand rejected. Claim 8 is objected to.

Claim 8 has been amended. No new matter has been added.

Claims 10-12 have been added. No new matter has been added.

The examiner has objected to the Information Disclosure Statement in that for the references recited in a letter dated April 15, 2003, the references were not cited on the proper form and that copies of the references were not submitted.

Applicant thanks the examiner for his observation. However, applicant would note that the references cited, which were recorded on a European Search Report, classified the cited references as category A references. As noted on the Report, the references cited in category A are "documents defining the general state of the art which is not considered to be of particular relevance."

As these documents merely define the general state of the art and not considered to be of particular relevance, applicant has provided these references for the benefit of the examiner. Applicant elects at this time not to submit copies of the references as the European examiner has considered these references to not be of particular relevance to the present invention.

In response to the examiner's rejection of the drawings, applicant submits, in Appendix A, herewith, replacement sheets 1 and 2, which contain Figures 1 and 2, respectively. The drawings have been annotated to state "replacement sheet" in the upper right hand corner. No additional amended are believed necessary.

Applicant respectfully requests that the provided drawings be entered. Applicant submits that replacement drawings provided are sufficient to overcome the examiner's rejection.

With regard to examiner's objection to reference numerals that are referred to in the drawings but are not referenced in the specification, applicant has elected to amend the specification to provide proper basis for the reference numerals shown. Accordingly, applicant believes that no additional corrections to the drawings are needed at this time.

The examiner has objected to the ABSTRACT. Applicant has noted the examiner's objection and has made appropriate amendments to correct or remove the objected to language.

Having amended the ABSTRACT, applicant submits that the reason for the objection has been overcome and the objection can no longer be sustained. Applicant respectfully requests that the amendments be entered and the objection be withdrawn.

The examiner has objected to the Summary of the Invention because of the inclusion of legal phraseology. Applicant has noted the examiner's objection and has made appropriate amendments to remove the objected to language.

Having amended the Summary of the Invention, applicant submits that the reason for the objection has been overcome and the objection can no longer be sustained. Applicant respectfully requests that the amendments be entered and the objection be withdrawn.

The examiner has objected to the Specification because of informalities. Applicant has noted the examiner's objection and has made appropriate amendments to correct or remove the objected to language.

Having amended the Specification, applicant submits that the reason for the objection has been overcome and the objection can no longer be sustained. Applicant respectfully requests that the amendments be entered and the objection be withdrawn.

Claim 8 is objected to as being in improper form.

Applicant wishes to thank the examiner for his observation regarding the form of claim 8, and has amended this claim as suggested by the examiner.

Having amended claim 8, applicant submits that the reason for the objection has been overcome and the objection can no longer be sustained. Applicant respectfully

11

requests entry of the amendment, reconsideration, withdrawal of the objection and allowance of the claims.

Claims 1, 2, and 5-9 stand rejected under 35 USC 102(b) as being anticipated by James (USP No. 5,961,623). It is the examiner's position that James discloses each and every element recited in the claims.

Applicant respectfully disagrees with, and explicitly traverses the examiner's reason for rejecting the claims.

James, as read by applicant, teaches a system and method for avoiding starvation and deadlocks in a split-response-bus multiprocessor computer system. The system includes a first node and a second node coupled to a split-response bus, wherein the first and second nodes communicate by passing request packets over the bus. Precedence information included in the request packets is used to determine which request packets to process and which request packets to reject when a conflict occurs. More specifically, the precedence information is used to retain requests for a specified period of time (age) to avoid starvation. (See col. 13, lines 12-16). As James discusses, in col. 10, lines 7-11, "[a]lthough ... basic reject/resend schemes avoids deadlocks, ... The reject/resend scheme fails to ensure that one message sender won't be starved for service because it always encounters a full message queue with messages from other processors." Hence, rather then rejecting messages outright, James teaches retaining the messages for a specified period of time and allow the (second or conflicted) message to be processed after a collision has been cleared. James teaches that the conflicted message may be discarded when the retained period of time has expired.

Thus, the device of James is used to retain the message information and prevent starvation by indiscriminate dropping of messages to prevent deadlocking. Contrary to the examiner's position, applicant believes that James fails to anticipate the present invention.

A claim is anticipated only if each and every element recited therein is expressly or inherently described in a single prior art reference. With regard to independent claim 1, James cannot be said to anticipate the present invention, because

James fails to disclose each and every element recited. More specifically, James fails to disclose "discarding the net update if it has been determined in step (d) that the lock procedure in step (c) has not been successfully performed," as is recited in the claim. Rather, James considers discarding messages after a time period has expired.

With regard to claim 2, James fails to teach " updating clan information so that both the first and second portal contains clan information of the surviving net update message," as is suggested in the claims. Rather, James retains both messages for a period of time and cannot be said to have a surviving net update message.

Having shown that James fails to disclose each and every element claimed, applicant submits that the reason for the examiner's rejection of claims 1 and 2 has been overcome and can no longer be sustained. Applicant respectfully requests reconsideration, withdrawal of the rejection and allowance of the claims.

With regard to claims 5-9, these claims ultimately depend from independent claim 2, which has been shown to be allowable in view of the cited reference. Accordingly, claims 5-9 also allowable by virtue of their dependence from an allowable base claim.

Claims 1-4 stand rejected under 35 USC 103(a) as being obvious over the admitted prior art (APA) in view of USP No. 6,751,697 to Shima.

Applicant respectfully disagrees with, and explicitly traverses, the examiner rejection of the claims.

With regard to the admitted prior art, Figure 1 depicts a timing diagram illustrating how deadlock conditions may occur.

Shima discloses a method and system for a multi-phase net refresh on a bus bridge interconnect. Shima teaches that the network is connected in a ring wherein "a broadcast message is forwarded to a next neighbor bus bridge and the next neighbor bus bridge then passes the broadcast message to its own next neighbor." (see col. 16, lines 26-32). This process continues unit the message is returned to the message originator. This ring transfer of update messages is shown in Shima's Figure 7. Hence, to avoid

deadlocking, Shima teaches a ring structure that prevents deadlocking by not allowing bi-directional updates to be sent between nodes. However, bi-directional message updates transfer is shown in the APA (Figure 1).

Accordingly, one would not be motivated to combine the teachings of the APA and Shima as suggested by the examiner, because Shima prevents bi-directional resets by forwarding resets in a one-way direction. Furthermore, even if one were to combine the teachings of the APA and Shima, as suggested by the examiner, the combined device would not include all the elements recited in the claims. With regard to claim 1, neither the APA nor Shima disclose "a lock procedure step." Similarly, with regard to claim 2, neither the APA nor Shima disclose "selecting ... a surviving net update and discarding the other of the first and second net update message."
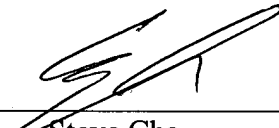
Having shown that neither the APA nor Shima, individually or in combination, teach or suggest all the elements claims, applicant submits that the reason for the examiner's rejection of the claims has been overcome. Applicant respectfully requests reconsideration, withdrawal of the rejection and allowance of the claims.

With regard to claims 3 and 4, these claims ultimately depend from independent claim 2, which has been shown to be allowable in view of the cited references. Accordingly, claims 3 and 4 also allowable by virtue of their dependence from an allowable base claim.

For all the foregoing reasons, it is respectfully submitted that all the present claims are patentable in view of the cited references. A Notice of Allowance is respectfully requested.

Respectfully submitted,
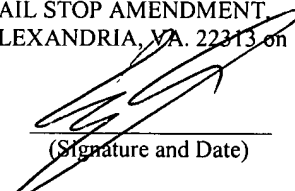Russell Gross
Registration No. 40,007

Date: November 4, 2004

By: Steve Cha
Attorney for Applicant
Registration No. 44,069

Mail all correspondence to:
Russell Gross, Registration No. 40,007
US PHILIPS CORPORATION
P.O. Box 3001
Briarcliff Manor, NY 10510-8001
Phone: (914) 333-9608
Fax: (914) 332-0615